

REMARKS

In the Office Action mailed January 25, 2005 (hereafter, "Office Action"), the Examiner noted that claims 1-23 were pending; rejected claims 1-3, 9-17, 19 and 21-23 under 35 U.S.C. § 102(b) and rejected claims 4-8, 18 and 20 under 35 U.S.C. § 103(a). Claims 1-23 are pending and under consideration.

I. Request for Removal of Finality

The Applicants request that the Examiner remove the finality of the Office action mailed January 25, 2005. According to section 706.07(d) of the MPEP, "[i]f new facts or reasons are presented such as to convince the examiner that the previously rejected claims are in fact allowable or patentable in the case of reexamination, then the final rejection should be withdrawn." The Applicants believe that the reasons presented in this reply show that the claims are allowable over the prior art cited by the Examiner.

II. Examiner Interview

On May 19, 2005, the Examiner and the Applicants' Representative conducted a telephonic Examiner Interview. The interview primarily focused on the Examiner's interpretation of U.S. Patent No. 5,581,691 to Hsu et al. Specifically, the Examiner referred to "processes running on computers in the system" (column 6, line 34) and asserted that the "computers" in this phrase correspond to the "process executing devices" (claim 1, line 2), one of which comprises the elements recited in the body of claim 1.

Additionally, during the interview the Applicants' Representative asked the Examiner to explain whether the Examiner understood the "computers" in column 6, line 34 as referring to computers 102-110 in Fig. 1 of Hsu et al. or the computer in the phrase "the steps ... may include both automated steps, automatically performed by a computer or other machine" (column 15, line 27-30). The Examiner did not answer this question.

III. Response to § 102 Rejection

In items 4-18 on pages 2-9 of the Office Action, claims 1-3, 9-17, 19 and 21-23 were rejected under 35 U.S.C. 102(b) as anticipated by Hsu et al. As noted above, according to the explanation provided during the May 19, 2005 Examiner Interview, the Examiner has asserted that the "computers" mentioned at column 6, line 34 of Hsu et al. correspond to the "process executing device" that is recited in claim 1. Furthermore, at page 3, lines 1-3 of the January 25,

2005 Office Action it was asserted that the "flow controller" described at column 5, lines 9-14 of Hsu et al. corresponds to the "process executing data interchanging unit" (claim 1, line 4).

Claim 1 recites that the "process executing data interchanging unit" (claim 1, line 4) is an element of a "process executing device" (claim 1, line 1), while Hsu et al. teaches that the "flow controller" described at column 5, lines 9-14 is separate from the "computers" mentioned at column 6, line 34. Specifically, in the system disclosed by Hsu et al. there is a

clear distinction between execution of individual work units, which is handled by application programs under the control of clients (i.e., processes running on computers in the system), and controlling what happens between the execution of work units, which is handled by the system's flow controller

(column 6, lines 31-37). Thus, Hsu et al. teaches that the flow controller is separate and independent from the computers, which is inconsistent with the recitation in claim 1 that the process executing data interchanging unit is an element of the process executing device. Furthermore, Hsu et al. teaches a system having only one flow controller which cannot correspond to each "process executing data interchanging unit" in each of the "process executing devices" (claim 1, line 2).

Assuming the "computers" mentioned at column 6, line 34 of Hsu et al. correspond to the "process executing devices" recited at line 2 of claim 1, the closest component in the system taught by Hsu et al. to the "process executing data interchanging unit" (claim 1, line 4) would be a component of the "computers" mentioned at column 6, line 34 of Hsu et al. Nothing has been cited or found in Hsu et al. teaching or suggesting that the "computers" mentioned at column 6, line 34 of Hsu et al. include a component that performs the operation of "interchanging process executing data for executing a process with another process executing device" (claim 1, lines 4-5). For the above reasons, it is submitted that claim 1 and claims 2, 3, and 9-11 which depend therefrom patentably distinguish over Hsu et al.

In addition, claim 1 recites

interprocess association information that associates the process executed by the process executing device with the process executed by the other process executing device based on a correspondence relation between the process executing data and the process executed by the other process executing device

(claim 1, last 4 lines). In the second paragraph on page 3 of the Office Action, it was asserted this limitation was taught by Hsu et al. at column 7, line 63 to column 8, line 20; column 9, lines 36-50; and column 12, lines 27-39. These portions of Hsu et al. describe software for planning and organizing steps that are to be executed by either a person or a machine. In the system

taught by Hsu et al., the specific person or machine, i.e., "the resource to be used to execute each instantiated step is dynamically selected at the time of execution" (column 7, lines 33-35). As a result, this portion of Hsu et al. does not associate a process executed by a process executing device with a process executed by another process executing device "based on a correspondence relation between ... process executing data and the process executed by the other process executing device" as recited in claim 1

Claims 12, 15-17, 19, and 21-23 recite limitations regarding "interprocess association information" that are similar to that quoted above from claim 1. Therefore, it is submitted that claims 12, 15-17, 19 and 21-23, as well as claims 2-11, 13, 14, 18 and 20 which depend from claims 1, 12, 17 and 19, patentably distinguish over Hsu et al. for the reasons discussed above regarding the interprocess association information.

IV. Response to § 103 Rejection

The Examiner rejected claims 4-8, 18, and 20 under 35 U.S.C. § 103(a) as unpatentable over Hsu et al. The applicants respectfully traverse this rejection. Nothing has been cited or found in Hsu et al. that suggests modifying Hsu et al. to overcome the deficiencies discussed above. Therefore, it is submitted that claims 4-8, 18, and 20 patentably distinguish over Hsu et al.

V. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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